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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

VACLAV ONDRISEK, and  
VANESSA ONDRISEK

Plaintiffs,

v.

US IMMIGRATION SERVICE,

Defendant.

Case No. 2:18-cv-00411-APG-CWH

**MOTION FOR STAY IN LIGHT OF  
LAPSE IN APPROPRIATIONS**

The United States of America ("United States") hereby moves for a stay of the deadline to file its responsive pleading in the above-captioned case.

1. The parties filed a second stipulation to extend the time for the United States to file its responsive pleading on December 19, 2018. ECF No. 22. The stipulation was granted on December 20, 2018, and, as a result, the deadline for the United States to file its responsive pleading was extended to January 18, 2019. ECF No. 23.

2. At midnight on December 21, 2018, the continuing resolution that had been funding the Department of Justice ("Department") expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

3. Absent an appropriation or continuing resolution, Department attorney and employees are prohibited from working, even on a voluntary basis, except in very limited

1 circumstances, including “emergencies involving the safety of human life or protection of  
2 property.” 31 U.S.C. § 1342.

3 4. Undersigned counsel for the Department therefore requests that the deadline  
4 to file a responsive pleading in this matter be stayed until Congress has restored  
5 appropriations to the Department.

6 5. If this motion for stay is granted, undersigned counsel will notify the Court  
7 as soon as Congress has appropriated funds for the Department or enacted a continuing  
8 resolution. The parties will, at that point, submit a stipulation lifting the stay and setting a  
9 new responsive pleading deadline.

10 6. The undersigned has discussed this motion with opposing counsel, who has  
11 authorized the United States to represent that he has no objection to the motion.

12 Therefore, although we greatly regret any disruption caused to the Court and the  
13 other litigants, the Government hereby moves for a stay of the responsive pleading deadline  
14 in the above-captioned case until Department attorneys are permitted to resume their usual  
15 civil litigation functions.

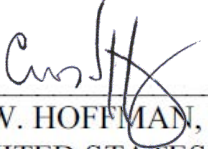
16 Respectfully submitted this 10th day of January 2019.

17 DAYLE ELIESON  
18 United States Attorney

19 /s/ Mark E. Woolf  
20 MARK E. WOOLF  
21 Assistant United States Attorney  
22 *Attorneys for the United States*

23 IT IS SO ORDERED.

24 DATED: Jan 11, 2019

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27 C.W. HOFFMAN, JR.  
28 UNITED STATES MAGISTRATE JUDGE

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Dated this 10th day of January 2019.

*/s/ Mark E. Woolf*  


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 MARK E. WOOLF  
 Assistant United States Attorney